

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

S4 02 CR 1144

BERNARD J. EBBERS

DECLARATION OF JOY EBBERS BOURNE

Pursuant to 28 U.S.C. § 1746, I, JOY EBBERS BOURNE, state as follows:

1. My name is Joy Ebbers Bourne.
2. I am one of Bernard J. Ebbers' daughters.
3. Since my dad has been in prison, I have visited him regularly.
4. I am submitting this Declaration to detail the substantial changes I have observed in my dad's physical, mental, and overall health condition the past 6 months.
5. From February of 2019 to date, I have visited my dad approximately 10-11 times at FMC Ft. Worth.
6. I also speak to my dad frequently on the phone. On a typical week, I speak to my dad on the phone at least 5 times for 10-minute phone calls. On some weeks, I speak to him more often, and sometimes we have multiple phone calls during one day.
7. In February, I noticed that my dad was easily confused in several of our phone calls. Since I knew he had been recently diagnosed with anemia and was having trouble sleeping, I dismissed this confusion as being related to these conditions.
8. During visits in February and March, I would have to explain things to my dad repeatedly. He used to be a whip at numbers but could not recall basics like phone numbers or

dates. Dad told me then that he had tried to walk some for exercise, but after a couple of laps he got exhausted and had to sit. It would then take him several days to recover from the fatigue.

9. During visits in March and April of 2019, I observed that my dad's prior mental fog continued. His weight loss and weakness began to be evident. When walking into the visit room, he began to shuffle and have more difficulty finding us. Due to his vision, we have always had to stand so he could find us in the room. Now we would have to go to the center aisle to meet him and bring him to our seats.

10. In May of 2019, Dad reported that his lack of sleep had increased. He told me he wakes up every night around 2 AM, wet with sweat. He's unable to see what time it is due to vision so sometimes is up for rest of night. A few times he has ventured down the hall to the recreation room because there is a large clock on wall there and he can see time. He has been "caught" by guards in hallway, and they question him on why he's up at that time. He also reports struggling with making phone calls. He reported difficulties in not having phone calls go through, because he is not recalling the numbers properly or he cannot see the buttons on the phone. Phone calls are his lifeline, and he gets into a panic state when he can't get a call through.

11. In May, I also noticed that Dad was continuing to lose weight. He became and remains very thin. While visiting in May, I noticed that he was winded when he entered the visitation room from walking over from his unit. I observed him get tired very easily, even just talking. When we got up to have our picture made, he was unsteady on his feet. I had to help him stand and get steady. I have observed him trip often so I stay close by. I also noticed in May that he has developed a persistent cough. Throughout our visit, he had to cough every couple sentences. I believe this to be cardiac cough, a result of a weakened heart.

12. In June of 2019, I noticed that Dad continued to struggle with brain fog. He reported having a couple episodes where he wakes in the afternoon after a nap, thinks it is the next morning so gets fully dressed and ready for breakfast.

13. Also in June, I noticed continued weight loss. He reported that he was told he is 160 pounds. He walked into that visit hunched over, shuffling his feet, sweating, and out of breath from the short walk between buildings. He was very unsteady on his feet. He reported that he stays in his room and in his bed most of the day, because there are not many things he can do due to his eyesight but he also has an overall lack of energy.

14. In June, I noticed a significant change in his breathing. He gets short of breath easily with conversations. He has to pause to take a deep breath often. He commented on being short of breath often. Dad lives on the second floor, and stated he has to pause part way up due to shortness of breath and leg weakness.

15. In July 2019, we had to shorten our visits due to Dad's health. He gets tired more quickly and is weak. We used to visit from approximately 8:30 am - 2:00 pm. We now leave by noon so he can go rest. We also limit to one visit day per weekend because of the toll those visits take on him physically. When I hug him he is merely skin and bones. This man was walking 2 miles a couple days a week just a year ago. At times he slurs his words, and does not have the energy to engage in lengthy discussions.

16. On my last visit, on August 19, 2019, I gasped when my father walked in the room due to his physical deterioration in the short time since I had last visited. My mother, who was with me, teared up when she saw him. As I walked to meet him in center of room, I noticed

other visitors and inmates had paused to look at him and us. His appearance was shocking to those of us who see him regularly. (Other regular visitors as well.) My dad looks like a hospice patient. He is frail, weak, shuffles, is hunched over, is skin and bones, and is exhausted from the walk over to the visiting area. He spoke very softly but was communicative. His memory is fading, and he has lost all ability to do even simple work with numbers.

17. Every time I see my father, I fear it may be my last time.

18. I pray every day that my father can be released to live out his remaining days surrounded by his family.

19. If released, either I or another family member will be with him constantly.

20. I met recently with a probation officer to approve the location where my father would live if released.

21. I pray that the Court will have compassion on my father and release him to his loving family.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2019.


JOY EBBERTS BOURNE